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Veröffentlichungsversion / Published Version
Zeitschriftenartikel / journal article

Empfohlene Zitierung / Suggested Citation:

Manjunatha, N. K. (2016). Status of Geographical Indications in India, Especially Karnataka. *Third Concept*, 30, 32-39.
<https://nbn-resolving.org/urn:nbn:de:0168-ssoar-53235-4>

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Status of Geographical Indications in India, Especially Karnataka

N K Manjunatha*

[Presently, in India the Geographical Indications (GI) have emerged as an important form of Intellectual Property Rights (IPR) issue. GI provides the producers of a region the exclusive right to use the indication for their products originating from that region. It also means that they have the right to prohibit any unauthorized use or imitation of the sign on a product that is not from the designated area or which does not have the qualities guaranteed by the GI. In India Twenty eight states have registered geographical indications, among them Karnataka alone registered 33 geographical indications up to 18th November 2015. It is around 14.47% of the total registered geographical indications in India. When it comes to enhancing the brand value of geography-specific products, Karnataka gets highest number of GI tags in India.]

Article 22.1 of the TRIPS Agreement defines geographical indications as “...indications which identify a good as originating in the territory of a Member [of the

World Trade Organization], or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin”. A geographical indication is a sign used on products that have a specific geographical

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origin and possess qualities or a reputation that are due to that origin.

The word 'geographical indication' was used for the first time in international Intellectual Property laws in the TRIPS Agreement of the WTO, which came into force in 1995. In India the legal system of GIs of Goods (Registration and Protection) Act was enacted in 1999 and has come into force in September 2003 (hereafter called GI Act).

Presently, in India the Geographical Indications (GI) has emerged as an important form of Intellectual Property Rights (IPR) issue. GI provides the producers of a region the exclusive right to use the indication for their products originating from that region. It also means that they have the right to prohibit any unauthorized use or imitation of the sign on a product that is not from the designated area or which does not have the qualities guaranteed by the GI.

It is mainly used to identify the agricultural, handicraft; manufacturing goods from the particular territory which has built up a good will in the market due to the special characteristics like temperature, humidity, soil etc. linked with the territory that are unique. The geographical indication is generally possessed by a community which belongs to that particular location. A Geographical Indications Registry with all India jurisdictions operates, as per the Geographical Indication of Goods (Registration and Protection) Act 1999.

Out of the 237 products that now have the GI tag up to 18th November 2015 in India, 33 are from Karnataka. The latest to get the GI tag from Karnataka is the 'Bangalore Rose Onion,' which is exclusively grown in Bangalore, has managed to get the most desirable Geographical Indication tag. It is the 217th product in India to get the tag. It is grown in one of the 16 taluks of Bengaluru rural, Kolar and Doddaballapur.

The lead taken by Karnataka State in getting GIs for its products augments the efforts made by both the government and voluntary organizations to protect and promote the state's cultural and

biological diversity. The GIs will help the state maintain exclusivity about its products.

Benefit of Registration of Geographical Indications

1. It confers legal protection to Geographical Indications in India,
2. It prevents unauthorized use of a registered Geographical Indication by others.
3. It boosts exports of Indian Geographical indications by providing legal protection.
4. It promotes economic prosperity of producers.
5. It enables seeking legal protection in other WTO member countries.

Difference between Geographical Indication and trade mark

Geographical indications and trademarks are distinctive signs used to distinguish goods or services in the marketplace. Both convey information about the origin of a good or service, and enable consumers to associate a particular quality with a good or service. Trademarks inform consumers about the source of a good or service. They identify a good or service as originating from a particular company. Trademarks help consumers associate a good or service with a specific quality or reputation, based on information about the company responsible for producing or offering it.

Geographical indications identify a good as originating from a particular place. Based on its place of origin, consumers may associate a good with a particular quality, characteristic or reputation. A trademark often consists of a fanciful or arbitrary sign that may be used by its owner or another person authorized to do so. A trademark can be allotted or licensed to anyone, anyplace in the world, because it is connected to a specific company and not to a particular place.

In contrast, the sign used to denote a GI usually links to the name of the place of origin of the good, or to the name by which the good is known in that place. A GI may be used by all persons

who, in the area of origin, produce the good according to specified standards. However, because of its link with the place of origin, a GI cannot be assigned or licensed to someone outside that place or not belonging to the group of authorized producers.

Objectives

To explore the current scenario of GIs that has been registered in Karnataka.

The main aim of this study is to analyze the current scenario of Geographical Indications in Karnataka state during 2003 to 2015.

Study Area

Karnataka has a special geographical location with plenty of rivers, hills, valleys, plains, forests and resources. Karnataka state is having a lengthy history of over 2,000 years, which has left many beautiful forts, tanks, temples, mosques and towns of historical importance to the posterity.

The study area of this paper extends from 11°35' North and 18°30' North latitudes and 74°5' East and 78°35' East longitudes. Karnataka is located in the western half of the Deccan plateau, Karnataka situated on a tableland at the interval of eastern and Western Ghats. Karnataka is bound by Goa and Maharashtra in the northwest, Maharashtra and Andhra Pradesh in the north and east respectively, Tamil Nadu and Kerala in the south with Lakshadweep Sea forming the coastal belt in the west.

The Karnataka state covers an area of 191,791 km², or 5.83% of the total geographical area of India. According to 2011 census, the total population of the Karnataka state is 6, 10, 95,297 persons.

The geological history of Karnataka is mainly confined to the two oldest eras-the Archaean and the Proterozoic. The large part of North Karnataka is covered by Deccan Trap. The bulk of the rocks of Karnataka are Archaean in age. The state boasts of a wide range of topological features. There are chains of mountains, the highest being the MullayyanaGiri (1,925m). Other than the

mountains, there are plateaus, residual hills and coastal plains.

Database and Methodology

The present paper aims to study the current scenario of Geographical Indications in India with special reference to Karnataka based on secondary data obtained from Legal books, journals, magazines and newspaper articles, reports of the governments, material from the world wide web especially the World Trade Organisation, the World Intellectual Property Organisation, and GI Registry Office, Chennai. The methodology includes the preparation of graphical representations like Bar graphs, Pie-diagram for a more effective representation of the data. Moreover simple mathematical techniques are used to calculate the percentages.

The status of geographical indications in India

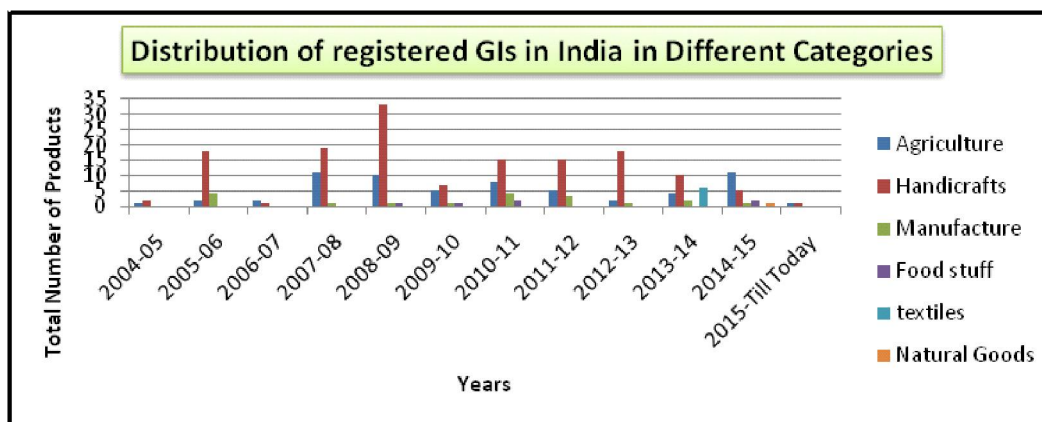
The trends and patterns in the year-wise distribution of GIs in India show that (see table - 1), there is an overall increase in the number of registered GI products. Only three 3 products were registered in the first year 2004-05. The number of products registered under GI recorded a significant increase in the year 2005-06. Twenty four (24) new products were registered in the following year 2005-06 but in the next year 2006-07, only 3 new products were registered. The year 2007-08, 31 new products were registered.

The year 2008-09 witnessed the maximum number of new products registered 45. However, in the year 2009-10 there was a significant drop in the numbers of new GI product registration. Only 14 products were registered during 2009-10. In the year 2010-11, 29 new products were registered and in the year 2011-12, 23 products were registered. The year 2012-13, witnessed Twenty one new products were registered. Twenty one new products were registered in the following year 2013-14. The year 2014-15 witnessed the nineteen new products registered under GI tag.

In the year 2015 to till date only two products were registered under GI tag in India. The maximum GIs registered are from Handicraft

category i.e. 144 forming 60.75% of the total registration followed by agriculture and manufacturing with 26.16% and 7.59% each.

Figure 1. Year wise Distribution of Registered GIs in India



Source: Prepared by using data taken from GI Registry Office, Chennai, as on march 2016

Table 1-Year wise Distribution of Registered GIs in India

| Year | Agriculture | Handicrafts | Manufacture | Food stuff | Textiles | Natural Goods |
|----------------|-------------|-------------|-------------|------------|----------|---------------|
| 2004-05 | 1 | 2 | - | - | | - |
| 2005-06 | 2 | 18 | 4 | - | | - |
| 2006-07 | 2 | 1 | - | - | | - |
| 2007-08 | 11 | 19 | 1 | - | | — |
| 2008-09 | 10 | 33 | 1 | 1 | | - |
| 2009-10 | 5 | 7 | 1 | 1 | | - |
| 2010-11 | 8 | 15 | 4 | 2 | | - |
| 2011-12 | 5 | 15 | 3 | - | | - |
| 2012-13 | 2 | 18 | 1 | - | | - |
| 2013-14 | 4 | 10 | 2 | - | 6 | - |
| 2014-15 | 11 | 05 | 01 | 02 | | 1 |
| 2015-till date | 01 | 01 | | | | |
| Total | 62 | 144 | 18 | 06 | 06 | 1 |

Grand total: 237(including foreign GI registered in India)

Source: Prepared by using data taken from GI Registry Office, Chennai, as on march 2016

The status of geographical indications in Karnataka

The geographical indications from Karnataka was first registered in the year 2005 – 2006 and then increased in the number of registered geographical indications. The trends and patterns in the year wise distribution of GIs in Karnataka

show that (see table -2), there were no products registered in the first year 2004-05. The number of products registered under GI recorded a significant increase in the year 2005-06. Ten new products were registered in the following year 2005-06 but in the next year 2006-07, only two new products were registered. The year 2007-08, eleven new products were registered.

The year 2008-09 witnessed only one new product was registered. However, in the year 2009-10, three new products were registered. In the year 2010-11, two new products were

registered and in the year 2011-12, two products were registered. The year 2012-13, only one new product was registered. The year 2013-14 witnessed Zero products registered under GI tag. One new product was registered in the following year 2014-15.

In the year 2015 to till date no products were registered under GI tag in Karnataka. The

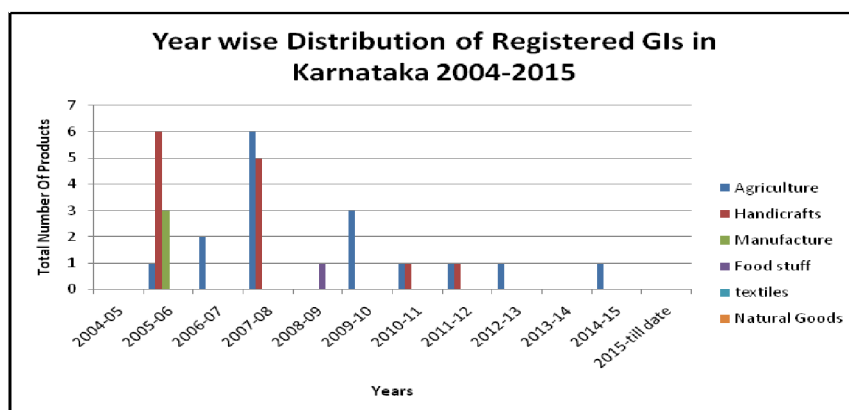
maximum GIs registered are from agriculture category i.e. 16 forming 48.48% of the total registration followed by Handicrafts and manufacturing with 39.39% and 9.09% each. The minimum GIs registered are from food stuff category i.e. 01 forming 3.03% of the total registration.

Table 2, Year wise Distribution of Registered GIs in Karnataka

| Year | Agriculture | Handicrafts | Manufacture | Food stuff | textiles | Natural Goods |
|----------------|-------------|-------------|-------------|------------|----------|---------------|
| 2004-05 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2005-06 | 1 | 6 | 3 | 0 | 0 | 0 |
| 2006-07 | 2 | 0 | 0 | 0 | 0 | 0 |
| 2007-08 | 6 | 5 | 0 | 0 | 0 | 0 |
| 2008-09 | 0 | 0 | 0 | 1 | 0 | 0 |
| 2009-10 | 3 | 0 | 0 | 0 | 0 | 0 |
| 2010-11 | 1 | 1 | 0 | 0 | 0 | 0 |
| 2011-12 | 1 | 1 | 0 | 0 | 0 | 0 |
| 2012-13 | 1 | 0 | 0 | 0 | 0 | 0 |
| 2013-14 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2014-15 | 1 | 0 | 0 | 0 | 0 | 0 |
| 2015-till date | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 16 | 13 | 3 | 1 | 0 | 0 |

Data sources: Calculated by using data taken from GI Registry Office, Chennai, as on march 2016

Figure 2, Year wise Distribution of Registered GIs in Karnataka-2004-2015



Data sources: Calculated by using data taken from GI Registry Office, Chennai, as on march 2016

Table 3-, State Wise Distribution of Geographical Indications Registered in India

| Sr. No | State | No. of GI registered | % |
|--------|-----------------------------|----------------------|-------|
| 1. | West Bengal | 10 | 4.38 |
| 2. | Kerala | 22 | 9.64 |
| 3. | Andhra Pradesh | 13 | 5.70 |
| 4. | Tamil Nadu | 24 | 10.52 |
| 5. | Madhya Pradesh | 08 | 3.50 |
| 6. | Maharashtra | 10 | 4.38 |
| 7. | Odisha | 15 | 6.57 |
| 8. | Karnataka | 33 | 14.47 |
| 9. | Rajasthan | 10 | 4.38 |
| 10. | Himachal Pradesh | 06 | 2.63 |
| 11. | Bihar | 05 | 2.19 |
| 12. | Assam | 05 | 2.19 |
| 13. | Telangana | 10 | 4.38 |
| 14. | Uttar Pradesh | 21 | 9.21 |
| 15. | Chattisgarh | 05 | 2.19 |
| 16. | Gujarat | 09 | 3.94 |
| 17. | Jammu & Kashmir | 03 | 1.31 |
| 18. | Nagaland | 02 | 0.87 |
| 19. | Goa | 01 | 0.43 |
| 20. | Punjab, Haryana & Rajasthan | 01 | 0.43 |
| 21. | Pondicherry | 02 | 0.87 |
| 22. | Kashmir | 03 | 1.31 |
| 23. | Manipur | 04 | 1.75 |
| 24. | Arunachal Pradesh | 01 | 0.43 |
| 25. | Sikkim | 01 | 0.43 |
| 26. | Mizoram | 01 | 0.43 |
| 27. | Tripura | 01 | 0.43 |
| 28. | Meghalaya | 02 | 0.87 |
| | TOTAL | 228 | 100 |

Note :(Including few foreign GIs=228+9=237)

Source:<http://ipindia.nic.in/girindia/>

It has been observed from Table No. 3, that in India, the maximum i.e. 33 geographical indications are registered by Karnataka forming 14.47% followed by 24 from Tamil Nadu with 10.52%.

Registered Geographical Indications from Karnataka

In India Twenty eight states have registered geographical indications, among them Karnataka alone registered 33 geographical indications up

to 18th November 2015. It is around 14.47% of the total registered geographical indications in India. When it comes to enhancing the brand value of geography-specific products, Karnataka gets highest number of GI tags in India.

Among the Thirty three geographical indications registered in Karnataka and the major fraction is contributed from Agriculture goods (48.48%) like, Coorg Orange, Mysore Betel leaf, Nanjanagud Banana, Mysore Jasmine, Udupi Jasmine, Hadagali Jasmine, Coorg Green Cardamom and so on. The Handicraft goods like, Mysore Silk, Bidriware, Channapatna Toys & Dolls, Mysore Rosewood Inlay, Navalgund Durries, Karnataka Bronze Ware, Molakalmuru Sarees are name to few.

Mysore Agarbathi, Mysore Sandalwood Oil, Mysore Sandal soap are the main products in the Manufactured goods category and from the food stuff category Dharwad Pedha is the only one product registered under GI till today. Bangalore Rose Onion is the last product registered from Karnataka under GI tag.

Conclusion

India is in evolving era of the new upcoming intellectual property i.e. geographical indications. Total registered geographical indications are gradually increasing year by year. Odisha is one of the states coming up as a potential player in this area. For Karnataka, number of other GI applications can be filed in the fields of Manufacture, Food stuff, textiles and Natural Goods.

To be qualified as a GI, a product or service may be described and designated as such only where specific aspects of that geography contribute to its uniqueness. This creates the intrinsic link between the product and the geographic location and is very critical when it comes to identification of GIs.

The Karnataka state has a dynamic and erratic weather that changes from place to place within

its territory. As Karnataka experiences variable geographic and physio-graphic conditions, encouraged Karnataka state for growing variety of flowers, fruits and vegetables in different parts of Karnataka.

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